

JACK PEPPERDINE,)
)
Plaintiff,)
)
v.) No. 2:11CV00038 ERW
)
MISSOURI DEPARTMENT OF)
CORRECTIONS, et al.,)
)
Defendants.)

This matter is before the Court on plaintiff's amended complaint filed September 1, 2011. Upon review of the amended complaint, the Court finds that this action should be dismissed for failure to comply with the Federal Rules of Civil Procedure.

Plaintiff's original complaint was filed on May 23, 2011. In his complaint, plaintiff, a prisoner, brought suit against several prison officials for alleged retaliation. Plaintiff alleged that prison officials retaliated against him after he addressed a letter to his uncle that contained derogatory comments about an official and described the license plates on her cars. Upon review, the Court found that the complaint did not comply with Rules 8 or 10 of the Federal Rules of Civil Procedure because it was long and rambling and because plaintiff's allegations were not set forth in numbered

paragraphs. The Court ordered plaintiff to file an amended complaint that complied with the Federal Rules.

Rule 8(a) of the Federal Rules of Civil Procedure requires that a complaint contain “a short and plain statement of the claim showing that the pleader is entitled to relief, and . . . a demand for judgment for the relief the pleader seeks.” Rule 8(e) requires that “[e]ach averment of a pleading shall be simple, concise, and direct.” And Rule 10(b) requires that “[a]ll averments of claim or defense shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances.”

Plaintiff’s amended complaint fails to comply with Rules 8 and 10. Again, it is needlessly long and it rambles. It contains several extraneous discussions, for example, how plaintiff and his friends file false enemy reports with the Missouri Department of Corrections to obtain transfers to prisons closer to home. It contains numbering, but the numbers do not have anything to do with paragraphs or even sentence breaks. Because “[t]he style and prolixity of these pleadings would . . . [make] an orderly trial impossible,” the complaint should be dismissed. Michaelis v. Nebraska State Bar Ass’n, 717 F.2d 437, 439 (8th Cir. 1983).

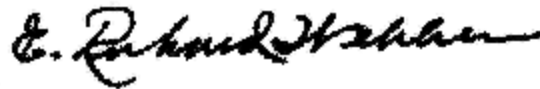
Accordingly,

IT IS HEREBY ORDERED that this action is **DISMISSED** without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

IT IS FURTHER ORDERED that all pending motions are **DENIED** as moot.

An Order of Dismissal will be filed with this Memorandum and Order.

So Ordered this 15th day of September, 2011.

A handwritten signature in black ink, appearing to read "E. Richard Webber", written in a cursive style.

E. RICHARD WEBBER
SENIOR UNITED STATES DISTRICT JUDGE